

Beyond the Town Hall:
Raising the Bar in Public Dispute Resolution

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Overview

Think mediating a two-party dispute is challenging and compelling? Try a conflict with dozens, hundreds, or even thousands of stakeholders whose relationship will almost certainly outlast the conflict. In this course, you will examine the distinctive art and science behind dispute resolution in the public sector, exploring a myriad of methods, techniques, and strategies to address conflicts that need more than a day to resolve. You will analyze contemporary public conflicts, try your hand at mediating them, and develop the skills needed to manage the plethora of moving pieces at play in a civic dispute. Completion of this class and implementation of its lessons will, in fact, revolutionize civic discourse and help produce more sustainable resolutions to public conflicts. As the public sector faces shrinking budgets, increasing demands and countless tough choices, it is more important than ever to have the critical skills for engaging community members in collaborative problem solving and dispute resolution. Done well, this work can lead to more acceptable and creative solutions and avoid the political and financial costs of disengaged or dissatisfied citizens.

Outcomes

By the end of this course, students will:

- Understand core values and principles for effective public dispute resolution
- Possess skills needed to facilitate civil dialogue on community issues
- Learn new tools and techniques for managing public disputes
- Design a process intended to solicit input from the public to help administrators and elected officials resolve pressing conflicts

Required Texts

Bryson, J.M., Quick, K.S., Slotterback, C.S., and Crosby, B.C. (2013). Designing public participation processes. *Public Administration Review*, 73(1), 23-34.

Podziba, S. (2012) *Civic fusion: mediating polarized public disputes*. Washington, DC: American Bar Association.

Optional course packet readings (approx. 45 pages) will include excerpts from the following:

Bens, I. (2005). *Advanced facilitation strategies*. San Francisco: Jossey-Bass.

Clark, S., and Teachout, W. (2012). *Slow democracy: rediscovering community, bringing democracy back home*. White River Junction, VT: Chelsea Green Publishing.

Engagement streams. The National Coalition for Dialogue and Deliberation: retrieved from http://www.ncdd.org/files/NCDD2010_Engagement_Streams.pdf

Gastil, J. and Levine, P., eds (2005). *The deliberative democracy handbook: strategies for effective civic engagement in the twenty-first century*. San Francisco: Jossey-Bass.

Kaner, S. (2007). *Facilitator's guide to participatory decision making*. San Francisco: Jossey-Bass.

Nabatchi, T., Gastil, J., Weiksner, G.M., and Leighninger, M., eds. (2012). *Democracy in motion: evaluating the practice and impact of deliberative civic engagement*. New York: Oxford University Press.

Schooler, L (2011). *The public in public policy: keys to a successful community meeting (manual)*

Schwarz, R.M. (2002). *The skilled facilitator: a comprehensive resources for consultants, facilitators, managers, trainers, and coaches*. San Francisco: Jossey-Bass.

Spectrum of public participation. International Association for Public Participation: retrieved from http://www.iap2.org/associations/4748/files/IAP2%20Spectrum_vertical.pdf

Grade

25% class participation

25% reflective essay

25% group project (public participation process design)

25% role play performance

Course OutlineWeekend #1: December 6-8, 2013

Readings to prepare:

Podziba (all)

Bryson et al (all)

Assignment (**DUE December 1**): In a reflective essay of 1000-2000 words, describe how resolving public disputes differs from mediation or negotiation between two parties. Draw from your reading and your own experiences with public disputes in your reflective essay.

Class Time:

December 6 (Day One): Overview of topic

- Definitions
- Basic Concepts
- Fundamental Principles of Public Dispute Resolution
- Case studies of what doesn't/hasn't worked

December 7 (Day Two) Morning: Process

- How does one begin to develop a process for resolving a public dispute? What factors does one need to consider?
- What elements does such a process have?
- What questions does one need to ask to develop the process?

December 7 (Day Two) Afternoon: Tools

- What kinds of tools exist for a public policy dispute?
- How does one choose which tools to use?
- What are the strengths and weaknesses or challenges associated with different tools?

December 8 (Day Three) Morning: Practical Application

- Review, discuss, and analyze case studies from the field
- Begin examination of sample scenarios for role play exercise

December 8 (Day Three) Afternoon: Practical Application continued

- Small group preparation of public dispute resolution process based on sample scenarios
- Small group presentations
- Full group feedback/debrief

Weekend #2: December 20-22, 2013

Readings (all optional):

- Course packet (suggested)
- Schooler, all (suggested)
- Bens, 27-155 (suggested)
- Kaner, 191-313 (suggested)

Class Time:

December 20 (Day One): Skills for Public Dispute Resolution Practitioners

- Role play simulation of challenging session: debrief afterwards
- Basic principles and tactics for public dispute resolution mediators
- Discussion of biggest challenges and ways to overcome them

December 21 (Day Two): Planning and Executing Public Dispute Resolution Skills

- Discussion of readings
- Development of class's "best practices" for public policy mediation techniques

December 22 (Day Three): Experiential learning

- Class divides into pairs of co-mediators to practice in pre-assigned public dispute resolution scenarios (pairs co-facilitate with rest of group)
- Group and professorial feedback after each session

Grading Scale

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributes to class discussions.
90-92 = A- Excellent	A very good / admirable performance. Displays understanding in all areas of the class, and contributes successfully to class discussions.
87-89 = B+ Outstanding	Above average performance. A few insignificant flaws may appear, but overall has great application of the field.
83-86 = B Good	A generally satisfactory, intellectually adequate performance. Few significant flaws in performance.
80-82 = B- Adequate	A barely satisfactory performance. Contributes little to class discussions and lacks a clear understanding of concepts.
77-79 = C+ Not sufficient	An unacceptable performance. Unable to engage in class discussions and has little comprehension of theories.

Key Learning Objectives and Outcomes

Syllabus must include a minimum of 3-4 objectives and outcomes relevant to your course topic and material/skills to be learned. You may use any of the ones below that meet your needs.

Key Learning Objectives	How Achieved
1. Students will learn to define public dispute resolution and distinguish the field from other academic and professional disciplines.	Textbooks and related articles will be provided so students can identify the theories and skills of dispute resolution.
2. Students will learn the steps of public conflict diagnosis and the skills necessary to apply theoretical material to conflict facts.	Students will form small work groups and select a topic for class presentation using the steps and skills in conflict diagnosis.
3. Students will learn how to build a public dispute resolution toolbox.	Students will develop a minimum competency in problem solving through exercises in cooperation, skill building, identifying emotions, cultural communication, and group facilitation.
4. Students will learn the basic approaches	Students will divide into groups and

to public dispute resolution	mediate a case study.
5. Students will learn to integrate and synthesize all theoretical concepts and skills discussed during the term.	Students will prepare a systematic plan for resolving a public dispute case study demonstrating understanding and implementation of all material.

GRADING RUBRIC

Written Assignment Guidelines

	100-90	89-83	82- Below
Depth of Thought and Analysis 20%	Paper is constructed in a logical and coherent fashion. Conclusions flow from a well-executed plan, in succinct and meaningful statements.	Topic is started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Topic is vague and under developed. Paper lacks the level of effort for original graduate work.
Synthesis and Congruency 20%	Paper is well integrated and flows as one complete narrative. Paper flows from general ideas to specific conclusions.	Sections of the paper connect, however, not all sections or paragraphs fall in a natural or logical order.	The paper appears to have no direction, with subtopics appearing disjointed.
Thoroughness 20%	The appropriate content is covered in depth without being redundant.	Essential material is not covered to the degree to explain the topic thoroughly.	Major sections are omitted, glossed over, or unnecessarily repeated.
Personalization 20%	Personal history is appropriately integrated into the narrative.	There is some attempt on the writer' part to utilize personal examples within the content.	Little to no personal history appears in the paper.
Clarity of Writing and Mechanics 20%	Writing is crisp, clear, and succinct. No spelling, grammar, or punctuation errors are made.	Unnecessary words and ambiguous statements are made. Meaning is unclear in parts of the paper. Some spelling and	It is hard to know what the writer is trying to express. Writing is convoluted. Misspelling words, incorrect grammar, and

		grammar errors are made.	improper punctuation are frequent.
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HONOR CODE

Students are reminded of the SMU Honor Code as referenced in the *Student Hand Book*. Intellectual integrity and academic honesty are both the foundations and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty found at:

http://www.smu.edu/studentlife/PCL_05_HC.asp

NOTIFICATION OF ABSENCE DUE TO RELIGIOUS HOLY DAY(S)

Students who will be absent from class for the observance of a religious holiday must notify the instructor in advance. Please refer to the Student Obligations section of the university catalog for more explanations. You are required to complete any assignments or take any examinations missed as a result of the absence within the time frame specified by your instructor.

DISABILITIES ACCOMMODATIONS

Students needing academic accommodations for disability must contact Ms. Rebecca Marin, Coordinator of Services for Students with Disabilities (214-768-4557) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements.

ADD/DROP POLICY

If you are unable to complete this course, you must officially withdraw by the university deadline; the last day to Add/Drop regular courses without a grade record or Billing. Withdrawing is a formal procedure which you must initiate; your instructor cannot do it for you.

SMU EMERGENCY PREPAREDNESS

As part of the federal government response to the H1N1 (Swine Flu) virus, the Department of Health and Human Services issued a nationwide public health emergency preparedness declaration on April 26, 2009. The declaration was renewed on July 23, 2009 and is currently in force. For the semester ahead, there is concern that the level and intensity of flu cases could increase substantially.

- 1) For updates on the campus-wide status of flu conditions at SMU, please visit <http://www.smu.edu>.
- 2) If flu conditions require cancellation of a class session or other changes for this course, an email will be sent to all class members.
- 3) In the event of a major campus emergency at SMU, course requirements, deadlines, and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

Optional (or you may want to include the information in the last two paragraphs)

GRADE OF INCOMPLETE

A student may receive a grade of I (Incomplete) if at least 50 percent of the course requirements have been completed with passing grades, but for some justifiable reason, acceptable to the instructor, the student has been unable to complete the full requirements of the course. At the time a grade of I is given, the instructor must stipulate in writing to the student and to the University registrar the requirements and completion date that are to be met and the grade that will be given if the requirements are not met by the completion date. The maximum period of time allowed to clear the Incomplete grade normally is 12 months. If the Incomplete grade is not cleared by the date set by the instructor or by the end of the 12-month Policies and Procedures 25 deadline, the grade of I will be changed to the grade provided by the instructor at the time the Incomplete grade was assigned or to a grade of F if no alternate grade was provided. The grade of I is not given in lieu of a grade of F or W, or other grade, each of which is prescribed for other specific circumstances.

If the student's work is incomplete, poor quality and not acceptable, a grade of F will be given. The grade of I does not authorize a student to attend the course during a later term. Graduation candidates must clear all Incomplete grades prior to the deadline in the Official University Calendar, which may allow less time than 12 months. Failure to do so can result in removal from the degree candidacy list and/or conversion of the grade of I to the grade indicated by the instructor at the time the grade of I was given.

For graduate students, a maximum of two (six hours) concurrently held grades of Incomplete in courses other than thesis is allowed. If this maximum is reached, the student will be allowed to take only one three-hour course per term until the Incomplete total is reduced. Students who accumulate a total of three grades of Incomplete in courses other than thesis will be put on probation and not allowed to enroll further until the total is reduced.